PUBLIC WORKS COMMITTEE

DATE: July 31, 2007

CALLED TO ORDER: 4:59 p.m

ADJOURNED: 5:56 p.m.

ATTENDANCE

ATTENDING MEMBERS
Lonnell Conley, Chairman
Patrice Abduallah

ABSENT MEMBERS
Angela Mansfield

Ginny Cain Scott Keller Dane Mahern

Mary Moriarty Adams

Mike Speedy Ryan Vaughn

AGENDA

PROPOSAL NO. 310, 2007 - approves an increase of \$1,650,000 in the 2007 Budget of the Department of Public Works, Indianapolis Fleet Services Division (Consolidated County Fund) to purchase 66 police cars for use by the Indianapolis Metropolitan Police Department, financed by a transfer of cash from the Redevelopment TIF Revenue Bonds Fund
"Do Pass"

Vote 8-0

PROPOSAL NO. 311, 2007 - authorizes and approves the execution of an agreement between the Consolidated City of Indianapolis and the Town of Plainfield related to the development of the PepsiCo

Facility and related infrastructure construction and improvement

"Do Pass" Vote 7-0

PROPOSAL NO. 312, 2007 - authorizes the Office of Environmental Services to apply for grant assistance from IDEM to assist in funding services provided to residents through its ToxDrops Program "Do Pass"

Vote 8-0

<u>PROPOSAL NO. 313, 2007</u> - amends the Code for the purpose of adding unlawful storage or parking of inoperable vehicles to the provisions relating to environmental public nuisances and administrative adjudication of environmental violations

"Do Pass" Vote 8-0

PROPOSAL NO. 314, 2007 - establishes a 20-mile-per-hour speed limit in the Hartman Village (District 18) "Do Pass as Amended"

Vote 8-0

PROPOSAL NO. 315, 2007 - authorizes a one-way restriction and intersection controls on 73rd Street between Woodland Drive and Zionsville Road (District 1)

"Do Pass" Vote 8-0

PROPOSAL NO. 316, 2007 - authorizes a multi-way stop at the intersection of 44th Street and Sunset Avenue (District 8)

"Do Pass"

Vote 8-0

PROPOSAL NO. 317, 2007 - authorizes a multi-way stop at the intersection of 44th Street and Crown Street (District 8)

"Do Pass"

Vote 8-0

PUBLIC WORKS COMMITTEE

The Public Works Committee of the City-County Council met on Tuesday, July 31, 2007. Chair Lonnell Conley called the meeting to order at 4:59 p.m. with the following members present: Patrice Abduallah, Ginny Cain, Scott Keller, Dane Mahern, Mary Moriarty Adams, Mike Speedy, and Ryan Vaughn. Absent was Angela Mansfield. Councillors Bob Cockrum and Vernon Brown were also in attendance.

PROPOSAL NO. 310, 2007 - approves an increase of \$1,650,000 in the 2007 Budget of the Department of Public Works, Indianapolis Fleet Services Division (Consolidated County Fund) to purchase 66 police cars for use by the Indianapolis Metropolitan Police Department, financed by a transfer of cash from the Redevelopment TIF Revenue Bonds Fund

Patrick Carroll, Deputy Director of Maintenance Services, Department of Public Works (DPW), said that the Indianapolis Metropolitan Police Department (IMPD) fleet presently has a little over 2,000 vehicles, which includes approximately 500 Crown Victorias that have over 100,000 miles. The criteria for replacement is either eight years of service, 50% of the purchase cost is devoted to maintenance, or the vehicle mileage is between 80,000 to 100,000 miles or more. Mr. Carrroll said that the purchase of 66 police cars will replace approximately 10% to 15% of the current vehicles that have over 100,000 miles.

Councillor Cain asked if the money that is being requested to make the purchases comes from TIF Revenue Bond proceeds that are extra or if it is being taken from funds that need to go back into the TIF fund to be used for another purpose. Barbara Lawrence, Indianapolis Bond Bank, said that this request is from a combination of two separate funds. One fund is money that has accumulated through interest earnings and excess revenues. She said that the other fund is revenues that are available. She said that the funds are able to be used for any purpose that benefits the TIF district. Councillor Cain asked if there is a rule that prohibits extra TIF funds of one district from being used to help pay off a TIF in another district. Ms. Lawrence answered that it has been typical practice to use revenues that are available in excess of debt service for capital projects in, adjacent to, or benefiting that TIF district. She said that if there is a process where TIF revenues are rolled over, it would be a separate process that has to go through the Council for additional consideration.

Councillor Keller asked if the approval of the proposal will increase property taxes or rates for property taxes. Ms. Lawrence answered in the negative. Councillor Keller asked if this would be the first time that money is used for capital improvements to help the TIF district. Ms. Lawrence answered that TIF revenues have been used for items such as sanitary sewer projects and stormwater projects through the annual budget process. Councillor Keller stated that he wants to be added as a sponsor for the proposal.

Councillor Speedy asked where the TIF district is located. Ms. Lawrence said that the proposal is for two TIF districts: one is the 86th Street TIF that is generally in Pike Township and the other is the Consolidated TIF that is in the downtown area. Councillor Speedy asked what the expected life is of a police car. James Reno, Deputy Chief of Administration Division, IMPD, answered that the police cars are being kept longer than desired and being driven longer due to better manufacturing, but the criteria suggests that cars be replaced after eight years. Chief Reno said that the 500 vehicles that have been referenced are 1996s, 1997s, and 1998s. He said that the department would ideally like to replace the vehicles between five and eight years, depending on the mileage, because of the intense usage by police officers.

Councillor Speedy asked if this is the first time that TIF revenues have been used for goods such as purchasing police vehicles. Barbara Lawrence answered that the City has utilized TIF revenues through the annual budget process to purchase apparatus, generally for fire stations and fire apparatus. Councillor Speedy asked if the Council received a memo about the request. Ms. Lawrence answered in the negative.

Councillor Abduallah stated that 51 of the vehicles are to be used in Pike Township and asked if that is due to the TIF being developed in that area. Bob Clifford, City Controller, answered that the vehicles were identified when it was determined that the funds could be used to replace automobiles. The greatest need was for replacement of police vehicles. Mr. Clifford said that Chief Reno was asked to identify the patrol vehicles with more than 100,000 miles that were assigned to officers in the northwest district and in the downtown district with regard to the amount of money that was available for use in each district.

Councillor Abduallah asked what other neighborhoods and communities would have to do to obtain improvements to patrol vehicles in their neighborhood police stations to ensure safer neighborhoods. Mr. Clifford answered that the City is working on updating all police vehicles as part of the 2008 budget; however, due to property reassessments, the City is short approximately \$40 million to \$50 million of working capital for the 2007 budget. He said that this proposal involves money that can only be used to benefit the TIF district, and therefore, the goal is to resolve as many of the issues in these districts as possible. Mr. Clifford said that the Controller's Office plans to add a significant number of vehicles in the 2008 budget and is working on trying to catch IMPD up for 2007. Councillor Abduallah asked if other vehicles will be purchased in the future through Fleet Management. Mr. Clifford answered that it is the intent for Fleet Management to be the owner of all the vehicles, including Public Works, County agencies, and Metropolitan Development, in the future. He said that this would make it easier for control of the vehicles, replacement of the vehicles, and assignment of the vehicles under City-County policies.

Councillor Moriarty Adams asked if it is legal to use the money from the TIF district for the patrol vehicles. Ms. Lawrence answered in the affirmative and stated that Bond Counsel has been consulted on the issue. She said that it is a practice that has occurred in other cities. Councillor Moriarty Adams asked in what other ways the money could be used. Ms. Lawrence answered that the money could also be used for bricks and mortar or anything that would fall under large capital expenditures, such as sanitary sewers, stormwater, sidewalks, street repairs, or street lights.

Councillor Keller moved, seconded by Councillor Moriarty Adams, to forward Proposal No. 310, 2007 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 8-0.

[Clerk's note: Councillor Moriarty Adams left at this time, 5:17 p.m.

<u>PROPOSAL NO. 311, 2007</u> - authorizes and approves the execution of an agreement between the Consolidated City of Indianapolis and the Town of Plainfield related to the development of the PepsiCo Facility and related infrastructure construction and improvement

Larry Jones, Administrator of Transportation Engineering, DPW, said that this agreement is being entered into because the PepsiCo Corporation is building a new distribution facility near the airport between State Road (SR) 67 and I-70 off of Ameriplex Parkway. He said that PepsiCo proposes to put in 1.1 million square feet (sq. ft.) of warehouse, which would have the capacity for 600 trailers, 160 cars, and 127 box trucks. The distribution facility will be for the Gatorade manufacturing facility that is located nearby. Mr. Jones said that the agreement between the City of Indianapolis and the Town of Plainfield is necessary because the proposed site is bi-sected by the Marion County and Hendricks County line. He said that DPW has been involved in many meetings with the Town of Plainfield, and an inter-agency agreement was developed that clearly defines the responsibilities of each city or town with regard to sanitary sewer service, water service, public road construction, permit issuance, construction inspections, maintenance, as well as other issues involved with the development. Mr. Jones said that the agreement has been approved by the Plainfield Town Council and the DPW Board, and there is no financial obligation for the City of Indianapolis. Mr. Jones passed maps of the proposed construction to the Committee for review (attached as Exhibits A and B). Councillor Cockrum said that the proposed construction is located in his area and asked if the portion of the construction that is in Marion County is in a TIF district. Mickey Rogers, Executive Assistant, DPW, answered that he does not believe that it is in a TIF district.

Councillor Cockrum said that he agreed to co-sponsor the proposal based upon the construction not being in a TIF district because it would result in property tax revenue going directly to the regular distribution, as opposed to paying off TIF bonds.

Councillor Speedy stated that the map suggests that approximately 65% of the construction is in Marion County and approximately 35% is in Hendricks County. He asked if the rights and responsibilities are weighted accordingly. Mr. Jones answered that the City of Indianapolis is the lead agency for the review and approval of the infrastructure and provides the services, but there were simultaneous reviews of the drawings. Councillor Speedy asked if the property tax increases will be split according to the amount of property in each county. Mr. Jones answered in the affirmative. Councillor Speedy asked who is receiving the better deal between the two counties. Mr. Jones answered that he is unsure, but there is a lot of public infrastructure being built in Marion County by the developer.

Councillor Abduallah asked how many buildings will be on the property. Mr. Jones answered that there is one building for this particular site, but there are plans for future expansion that will require the agreement to be amended and approval by the Council.

Councillor Mahern asked if there will be opportunities for employment with the new construction. Mr. Jones answered in the affirmative, but stated that he is unsure of the number of opportunities that will be available. Councillor Keller commented that a construction of this size should employ a lot of people.

Councillor Abduallah stated that he wants to be added as a sponsor for the proposal.

Councillor Abduallah moved, seconded by Councillor Mahern, to forward Proposal No. 311, 2007 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 7-0.

[Clerk's note: Councillor Moriarty Adams returned at this time, 5:21 p.m.]

PROPOSAL NO. 312, 2007 - authorizes the Office of Environmental Services to apply for grant assistance from IDEM to assist in funding services provided to residents through its ToxDrops Program

Felicia Robinson, Administrator of Office of Environmental Services (OES), DPW, said that the state law that authorizes the Indiana Department of Environmental Management to operate the Household Hazardous Waste Grant Program requires that any entity that applies for one of the grants attach a resolution by the fiscal body of said entity that authorizes the grant application. Ms. Robinson said that OES is applying for one of the grants again this year, and, therefore the proposal is necessary to fulfill the statutory requirement. She said that OES is applying for \$100,000 to go towards and defray the cost of its ToxDrops Program. Ms. Robinson said that this proposal includes the same language that has been used in other similar proposals, and it only includes the provisions that are required to be included for the grant application process according to the state statute.

Councillor Speedy asked if these funds have been accessed before this proposal. Ms. Robinson answered in the affirmative and stated that it has been accessed in one or two prior grant cycles. The latest cycle has ended, thus requiring an application for an additional grant for the new cycle. Councillor Speedy asked if the Council has to approve a proposal for the application every year. Ms. Robinson answered that there has to be a resolution for each grant cycle, which can occur every year or every two years. The grant cycles are determined by the Indiana Department of Environmental Management (IDEM) and based on the availability of funds.

Councillor Moriarty Adams moved, seconded by Councillor Cain, to forward Proposal No. 312, 2007 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 8-0.

PROPOSAL NO. 313, 2007 - amends the Code for the purpose of adding unlawful storage or parking of inoperable vehicles to the provisions relating to environmental public nuisances and administrative adjudication of environmental violations

Kevin Sifferlen, Mayor's Office, Neighborhood Services, said that Section 575 of the Code is the public ordinance that allows for notice of violation and prosecution of people that are in violation of high weeds, grass. trash, and debris on properties. Mr. Sifferlen said that in the past year, the law has been internally utilized with the weed program, which is through a coordination of Neighborhood Services working with DPW, and has lead to the abatement of high weeds and grass. He said that approximately 1,000 calls per week are normally received during this time of year, but this year the calls are down to less than 200 calls per week. Mr. Sifferlen said that consideration is being taken on administratively adjudicating the cases to go after bad actors and landlords that do not keep their properties clean. He said that a holistic approach was examined to determine how quality of life issues were being administered throughout the Inspection/Compliance process and the City Legal prosecution process. Mr. Sifferlen said that inoperable vehicles take a great deal of the case load in the City Attorney's Office and it is believed that adding the words "inoperable vehicles" to Section 575 will allow the City to administratively adjudicate those cases. He said that there is an Administrative Attorney on contract with the City that is willing to help with this process, which will take away the backlog of inoperable vehicles. Mr. Sifferlen said that inoperable vehicle cases typically address instances in which a person has vehicles. usually more than one, with expired license plates located on their property. He said that if this language is added to the Code, it will allow the State Prosecutors to work on other serious issues, such as zoning violations and animal bites.

Rick Powers, Administrator, Division of Compliance, Department of Metropolitan Development (DMD), said that this ordinance will not change how the Division of Compliance addresses abandoned vehicles, as the current system of removing them is effective. Mr. Powers reiterated that an abandoned vehicle is not an inoperable vehicle, as an inoperable vehicle would most likely be subject to a traffic violation. He said that because of the differentiation, the only way to adjudicate is through the courts, and DMD is not allowed to go onto private property to remove an inoperable vehicle. They are, however, allowed to go onto private property to remove an abandoned vehicle. Mr. Powers said that inoperable vehicles represent approximately 50% of the Division of Compliance's caseload, and to move those cases into the Administrative Law Judge (ALJ) scenario will allow for a quicker process of hearing the case and administering the necessary fines and penalties. It will also help alleviate some of the burden on the courts.

Councillor Speedy asked if people who receive an inoperable vehicle violation will still have the right to appeal an ALJ decision. Mr. Powers answered in the affirmative. Councillor Speedy asked if the decision of the ALJ will be prejudicial against a person that appeals to a superior or circuit court judge. Mr. Powers said that he is not qualified to answer that question, but he believes that everyone is allowed to speak in court without prejudice.

Councillor Abduallah asked if there is any recourse for people within neighborhoods that have vehicles that they plan to restore but do not have the resources to do so at the time, but have a desire to keep the vehicle. Mr. Powers answered that one option is to remove the vehicle from public view because most of the nuisance complaints are from people who view the item as unpleasant or unappealing. He said that most often the complaints are regarding vehicles that have other nuisance issues that add to the problem, such as housing vermin, high weeds and grass growing around them. Mr. Powers said that if the vehicle is a newer vehicle, Compliance would suggest that the person plate the vehicle.

Chair Conley asked if the nuisance is on public streets or on private property. Mr. Powers answered that it can be enforced in either case, but the violation would be on private property in the case of a public nuisance. He said that most cases are due to expired license plates, and if people would plate the vehicles, there would be no problem from neighbors or compliance. Chair Conley stated that plating a vehicle also requires having

insurance on the vehicle. Mr. Powers said that Chair Conley is correct and stated that the financial hardship of insuring and plating the vehicle may be part of the issue, but the other issue is that the public has a right to expect that the nuisance not exist. He said that Compliance receives calls to alleviate these problems, and they are simply trying to address the problems in a way to put fewer burdens on the courts.

Councillor Keller commented that the calls that he receives from the constituents in his area are regarding vehicles that have other nuisance issues, as Mr. Powers suggested. He does not receive complaints on people who have many vehicles that are parked, but plated. He said that he shares Councillor Abduallah's concern, but he believes that this streamlining will not have much of a negative effect on those people looking to restore a vehicle, as opposed to those who just have vehicles sitting with no purpose.

Councillor Vaughn asked if the wording of the ordinance outlines an exception for someone who is restoring an automobile. Mr. Powers answered in the negative, and stated that if the restoration is taking place in a garage or enclosed area, that is fine. However, if the restoration is taking place in someone's yard, it is in violation of the zoning issue of auto repair and becomes an issue of restoring a vehicle in a residential area. Councillor Vaughn stated that this is a distinct ordinance from a zoning issue, as a person could not commit a zoning violation but still be in violation of a public nuisance. Mr. Powers stated that Councillor Vaughn is correct. Councillor Vaughn said that he believes that the intentions are good and would have a significant impact if the ordinance was carefully drafted, but his caution is that the ordinance is not measured by what it is intended to do, but by what the law states that it has the power to do. He said that if there is nothing in the ordinance that exempts someone who is restoring a vehicle, regardless of where the vehicle is kept, that person can still be found in violation of the ordinance. Councillor Vaughn stated that Councillors have a duty to protect everyone's interest and asked Mr. Powers if he feels that a person restoring a vehicle would be exempted under the ordinance. Mr. Powers answered in the negative, and stated that the exemption would depend on where the restoration is taking place, because it is not the intent of Compliance to go into a person's garage to remove a vehicle. Councillor Vaughn commented that though it is not the intent, it would be considered possible under the law. Mr. Powers stated that Zoning Inspectors determine if a violation is in view of the public as a part of enforcing the violation. Councillor Vaughn said that his concern is that if a vehicle is taken from a person's garage, that person would not have an argument in court, because the ordinance does not state that the vehicle cannot be taken from their garage.

Councillor Speedy asked if the ordinance is being heard by the Public Works Committee because it involves environmental services. Mr. Powers answered in the affirmative. Councillor Speedy asked if this streamlining will save the taxpayers money, have no financial effect, or cost more money. Mr. Powers answered that there is no cost to the taxpayer, because Inspectors, ALJs, and prosecutors are all paid by fees, so the cost is paid by violators. Mr. Sifferlen added that an analysis was done over the winter that examined weeds, as administered through Section 575, and the potential of adding inoperable vehicles to the section. The examination included looking at how much it cost the City when calls were received about weeds, and it was determined that the administrative fee needed to be increased from \$124 to \$226. This fee does not include any other fees incurred by DPW or vendor fees, so it would potentially cost \$300 or more each time the City has to cut someone's grass or weeds. Mr. Sifferlen said that the money is received with a great deal of compliance, because even if the person does not pay the fine, it goes onto the property tax liens, which in turn goes back into the fund and regenerates itself. Mr. Powers added that currently there is a voluntary compliance rate of over 80%, and this change will only affect the less than 20% that represent the exception and do not want to cooperate. He said that most of the time a notification is given, the constituent complies, requiring no further action.

Councillor Mahern asked why so much of the language is removed in Section 575-7. Mr. Sifferlen answered that the original fees were determined at the time that the law was originally passed in 1995. In addition to updating the administrative fees, the associated fees have been removed because many of them were outdated. Subsection (1)c of section 575-7 addresses those fees with the wording "any other reasonable fee." Mr. Powers added that the changes also reflect that contractors now perform the tasks. When the law was made, the fees

were for equipment charges that DPW employed. Councillor Mahern asked if research and analysis has been done to support the changes in fees. Mr. Sifferelen answered in the affirmative. Councillor Mahern commented that it is important that fees are sufficient enough to cover the actual costs so that the program is self-sufficient and effective.

Councillor Keller said that since inoperable and abandoned vehicles joined the big high grass and weeds problem in his district, his constituents constantly ask that it be streamlined and corrected more quickly and efficiently. He said that he is pleased that the City has been listening to the neighborhoods and the people who have the problem with others being non-compliant.

Councillor Abduallah asked how the penalties are set. Mr. Powers answered that penalties are established by Indiana Code and the Legislature determines the maximum penalty for violations. Councillor Abduallah asked if the \$2,500 penalty is believed to be a reasonable charge in this particular violation. Mr. Powers said that it is the amount that was set by Legislature as the maximum for these types of violations.

Councillor Cain asked Mr. Sifferlen for a number to call with complaints. Mr. Sifferlen answered that the best person to call is the neighborhood liaison for the district in which the constituent lives, but everyone is encouraged to call the Mayor's Action Center to make a complaint.

Councillor Moriarty Adams moved, seconded by Councillor Keller, to forward Proposal No. 313, 2007 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 7-1, with Councillor Abduallah casting the negative vote.

PROPOSAL NO. 314, 2007 - establishes a 20-mile-per-hour speed limit in the Hartman Village (District 18)

Councillor Brown said that he would like to request that the speed limit in Section of Proposal No. 314, 2007 be changed from 20 miles per hour (mph) to 25 mph to comply with state law.

Councillor Cain moved, seconded by Councillor Moriarty Adams, to amend Proposal No. 314, 2007 to change the speed limit from 20 mph to 25 mph. The motion carried by a vote of 8-0.

Councillor Brown said that this proposal deals with a residential neighborhood with approximately 160 houses in a four-block area. He said that the change will primarily impact the people that live in the area and their guests. Changing the speed limit from 30 mph to 25 mph may help slow cars down and protect the children in the neighborhood. Councillor Brown said that an engineering study would have to be done to go from 30 mph to 20 mph to comply with State Statute, which would cost a lot of money, and he believes that his constituents will be happy with even the small change.

Councillor Vaughn asked what the procedure is to change speed limit signs. Nathan Sheets, Senior Project Manager, DPW, said that residential areas do not typically have 30 mph speed limit signs, so the change would just require DPW to go in and put up 25 mph signs.

Councillor Speedy asked what the staff's opinion is on the speed limit change. Mr. Sheets answered that it is DPW Engineering's opinion that reducing the speed limit to 25 mph will not slow people down and that it will cause a burden toward enforcement, but he understands Councillor Brown's concerns with speeding vehicles. He said that, however, there is not a problem in reducing the speed limit in a neighborhood such as this one because it is not a major traffic issue. Councillor Speedy said that he often supports the staff because of their objective viewpoint and their underlying policies for safety, but he believes that there is a big distinction between 20 mph, 25 mph and 30 mph. He said that he feels that 25 mph streets can be managed, and is a good limit for children to grow up in. He understands that 20 mph speed limits require a study because it is considered an extraordinary circumstance and has been found to be unsafe.

Councillor Mahern asked if there has been a study on the impact that vehicles have on a street based upon whether those vehicles travel at 25 mph or 30 mph. Mr. Sheets answered in the negative and stated that he would not anticipate any maintenance-type issues with the change in speed limits.

Councillor Moriarty Adams moved, seconded by Councillor Mahern, to forward Proposal No. 314, 2007 to the full Council with a "Do Pass as Amended" recommendation. The motion carried by a vote of 8-0.

Chair Conley asked for consent to hear Proposal Nos. 315, 316, and 317, 2007 together. Consent was given.

PROPOSAL NO. 315, 2007 - authorizes a one-way restriction and intersection controls on 73rd Street between Woodland Drive and Zionsville Road (District 1)

PROPOSAL NO. 316, 2007 - authorizes a multi-way stop at the intersection of 44th Street and Sunset Avenue (District 8)

PROPOSAL NO. 317, 2007 - authorizes a multi-way stop at the intersection of 44th Street and Crown Street (District 8)

Councillor Moriarty Adams moved, seconded by Councillor Mahern, to forward Proposal Nos. 315, 316, and 317, 2007 to the full Council with "Do Pass" recommendations. The motion carried by a vote of 8-0.

Conclusion

With no further business pending, and upon motion duly made, the Public Works Committee of the City-County Council was adjourned at 5:56 p.m.

Respectfully Submitted,
Lonnell Conley, Chair

LC/nsm

